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**UNITED STATES DISTRICT COURT**

**DISTRICT OF NEVADA**

Lloyds IP Holdings, LLC, et al.,

Plaintiffs

v.

Superior Wellness Ltd.,

Defendant

Case No.: 2:22-cv-01825-JAD-DJA

**Order Granting Application for  
Temporary Restraining Order and Setting  
Hearing on Motion for Preliminary  
Injunction**

[ECF Nos. 6, 8]

Plaintiffs Lloyds IP Holdings, LLC and Lloyd's Material Supply Company, Inc. sue Defendant Superior Wellness Ltd. under the Landham Act for trademark infringement and unfair competition, alleging that Superior Wellness is infringing on their "Platinum" trademark for hot tubs and spas. Plaintiffs move for a temporary restraining order and preliminary injunction to prevent Superior Wellness from using the mark to advertise its own hot tubs and spas. Because plaintiffs meet the standard for a temporary restraining order, I grant their request and set the motion for preliminary injunction for hearing at 9:00 a.m. on Monday, November 14, 2022, with an expedited briefing schedule.

IT IS THEREFORE ORDERED that plaintiffs' motion for a temporary restraining order [ECF No. 8] is **GRANTED**. Pending the hearing on the motion for preliminary injunction, defendant and its agents, servants, employees, officers, and all persons and entities in active concert and participation with them, or having knowledge of this order by personal service or otherwise, are temporarily restrained from:

1. using the United States Trademark Registration No. 3994712 issued on July 12, 2011, on the Principal Register of the United States Patent and Trademark Office

1 for word mark “Platinum” for International Class 11 for “water recreational  
2 apparatuses, namely, portable spas in the nature of hot tubs and/or heated pools”  
3 (hereinafter the Platinum Mark) and any other word, name, symbol, device, or  
4 combination thereof that is confusingly similar to the Platinum Mark, for, on, or  
5 in connection with the manufacture, distribution, advertising, promoting, offering  
6 for sale, or sale of any goods or services, including, without limitation, hot tubs  
7 and spas;

8 2. using “Platinum Spas” for water recreational apparatuses, namely, portable  
9 spas in the nature of hot tubs and/or heated pools;

10 3. engaging in any false, misleading, or deceptive conduct in connection with  
11 plaintiff and its products, including, without limitation, representing themselves as  
12 being authorized distributors, vendors, agents, representatives, retailers, or  
13 licensees of plaintiffs or any of their products, including, without limitation, hot  
14 tub and spas bearing the Platinum Mark; and

15 4. falsely representing to have an association or affiliation with, sponsorship by,  
16 or connection with, plaintiffs or any of their products.

17 IT IS FURTHER ORDERED that **defendant Superior Wellness Ltd. must appear**  
18 **before the Honorable Jennifer A. Dorsey of the United States District Court for the District**  
19 **of Nevada, on Monday, November 14, 2022, at 9 a.m., in Courtroom 6D** of the Lloyd D.  
20 George Courthouse located at 333 S. Las Vegas Blvd, Las Vegas, Nevada 89101 and show cause  
21 why the court should not enter an order under Fed. R. Civ. P. 65(a) that preliminarily enjoins  
22 Superior Wellness Ltd., its agents, servants, employees, officers, and all persons and entities in  
23

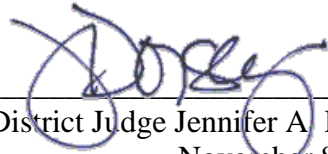
1 active concert and participation with them from committing any of the acts set forth in  
2 paragraphs (1), (2), (3), and (4) of this order during the pendency of this action.

3 IT IS FURTHER ORDERED that plaintiffs **must provide security for this temporary**  
4 **restraining order by tendering \$5,000 cash to the Clerk of the Court** under Local Rule 67-1.

5 IT IS FURTHER ORDERED that this temporary restraining order will remain in effect  
6 until the date for hearing on the order to show cause set forth above, or such further dates as set  
7 by the Court. **Plaintiffs or their authorized representative must serve a copy of this order,**  
8 **together with the application and declarations in support thereof, on the defendant by 5**  
9 **p.m. on Tuesday, November 8, 2022, and proof of service must be filed by 10 a.m.**

10 **Thursday, November 10, 2022.** The foregoing will constitute proper service and notice of this  
11 order.

12 IT IS FURTHER ORDERED that any response or opposition to the motion for  
13 preliminary injunction must be filed and served on plaintiffs' counsel by **noon on Thursday,**  
14 **November 10, 2022.** Defendant is hereby given notice that failure to attend the scheduled  
15 hearing may result in the immediate issuance of the requested preliminary injunction. Defendant  
16 may be deemed to have actual notice of the issuance and terms of such preliminary injunction,  
17 and any act by them or any one of them in violation of any of its terms may be considered and  
18 prosecuted as contempt of court.

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21 U.S. District Judge Jennifer A. Dorsey  
22 November 8, 2022  
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